

New PM

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PATENT, TRADEMARK  
AND COPYRIGHT CAUSES  
703-521-2110

February 19, 1981

REC'D FEB 23 1981

Susan Hutcheson  
Philip Morris Incorporated  
Law Department - Patent Section  
Research Center  
P. O. Box 26583  
Richmond, Virginia 23261

Re: Proposed Patent Application Directed To  
SMOKING COMPOSITIONS of Grubbs et al  
(Related To S.N. 122,901 - PM 920)  
Our Reference: PM-81-2

Dear Susan:

We are proceeding with the preparation of a proposed patent application based on the Examples which you enclosed with your letter of February 9th.

Our approach is to treat this proposed patent application and the S.N. 122,901 patent application as mutually exclusive invention subject matter, rather than consider a C.I.P. type of filing. In this new case we shall refer to S.N. 122,901 as being related subject matter.

We have enclosed a copy of a proposed claim 1 for this new case. Note that neither of the R and R<sup>1</sup> substituents in the flavorant formula can be a heteroaromatic group, as differing from the X and R substituents in the S.N. 122,901 claim 1 flavorant compounds.

Note also that R<sup>4</sup> is not hydrogen, since from your Examples we presume that you want the flavorants to be limited to esters.

At your earliest opportunity would you request that the inventor develop a list of a variety of ester flavorant compounds of potential interest which correspond to the proposed claim 1 formula. We want to include them in the specification to support the generic definition. Note that with the exception of R and R<sup>1</sup> not being heteroaromatic, R through R<sup>4</sup> can be widely varied in type. Note that R and R<sup>1</sup> or R<sup>2</sup> and R<sup>3</sup>, respectively, can be taken together to form an alicyclic structure.

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Susan Hutcheson

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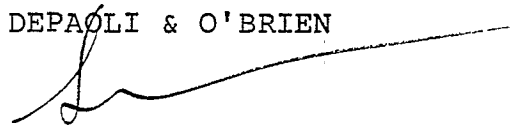
February 18, 1981

Without the benefit of a patent search we are not certain whether any of the  $\beta$ -hydroxy-esters in the Examples are novel compounds. None of these compounds is disclosed in the Leffingwell's publication which you sent us. We shall have to wait for the results of your in-house patent and literature search to determine whether we can claim any of the said  $\beta$ -hydroxy esters as novel species per se.

We shall look forward to receiving your early correspondence. In the meantime we shall have the proposed patent application in preparation.

Very truly yours,

DEPAOLI & O'BRIEN



George A. Depaoli

GAD/DJG/rf

Enclosure

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